UNITED STATES DISTRICT COURT

for the

Southern District of New York

CREDE CG III, LTD.)))
Plaintiff(s) v. 22ND CENTURY GROUP, INC.) (Civil Action No. 16cv3103
Defendant(s)) -) -)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) 22ND CENTURY GROUP, INC. 9530 Main Street Clarence, NY 14031

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

THOMAS J. FLEMING, ESQ. OLSHAN FROME WOLOSKY LLP 1325 AVENUE OF THE AMERICAS NEW YORK, NY 10019

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 4/26/2016 CLERK OF COURT

/S/ D. Gonzalez

Signature of Clerk or Deputy Clerk

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Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

was re	This summons for <i>(nan ceived by me on (date)</i>				
wasie	•	the summons on the individual	at (place)		
		on (date)			
	☐ I left the summons at the individual's residence or usual place of abode with (name)				
	, a person of suitable age and discretion who resides there,				
	on (date)	, and mailed a copy to	the individual's last known address; or		
	\square I served the summons on (name of individual), w				
	designated by law to a	alf of (name of organization) On (date)	; or		
	☐ I returned the summons unexecuted because			_	
	☐ Other (specify):				
	My fees are \$	for travel and \$	for services, for a total of \$	0.00	
	I declare under penalty of perjury that this information is true.				
Date:					
			Server's signature		
			Printed name and title		
			Server's address		

Additional information regarding attempted service, etc: